

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**AIR QUALITY PERMIT**

**Permittee Name:** Fischer Special Manufacturing Company  
**Mailing Address:** 111 Industrial Road, Cold Spring, Kentucky 41076

**is authorized to operate a speciality metal parts fabrication plant**

**Source Name:** Fischer Special Manufacturing Company  
**Mailing Address:** Same as above

**Source Location:** Same as above

**PERMIT TYPE:** Federally-Enforceable Title V  
**Review Type:** NSR, Title V

**Permit Number:** V-98-033  
**Log Number:** F503  
**Application**  
**Complete Date:** January 30, 1998

**KYEIS ID:** 077-0520-0066  
**AFS ID:** 21-037-00066  
**SIC Code:** 3499

**Region:** CINCINNATI  
**County:** Campbell

**Issuance Date:** February 17, 1999  
**Expiration Date:** February 17, 2004

---

**John E. Hornback, Director  
Division for Air Quality**

## TABLE OF CONTENTS

<u>SECTION</u>		<u>DATE OF ISSUANCE</u>	<u>PAGE</u>
SECTION A	PERMIT AUTHORIZATION		1
SECTION B	EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS		2
SECTION C	INSIGNIFICANT ACTIVITIES		6
SECTION D	CONTROL EQUIPMENT CONDITIONS		7
SECTION E	MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS		8
SECTION F	GENERAL CONDITIONS		11

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on January 30, 1998, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This draft permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **01 (01) - Conveyorized degreaser**

#### **Description:**

A Detrex conveyorized degreaser using trichloroethylene to clean non-ferrous fasteners and fittings in covered and rotating baskets.

Construction commenced: April, 1981

#### **APPLICABLE REGULATIONS:**

401 KAR 59:185 - New solvent metal cleaning equipment.

40 CFR 63, Subpart T - National Emissions Standards for Halogenated Solvent Cleaning.

#### **1. Operating Limitations:**

The degreaser shall be enclosed except for work load entrances and exits. {401 KAR 59:185 6(1)(a)}

Rotating basket shall be used whenever the degreaser is being used. {401 KAR 59:185 6(1)(b)}

Entrances and exits of the degreaser shall silhouette work loads so that the average clearance between the largest parts and the edge of the degreaser opening is either less than four (4) inches or less than ten (10) percent of the width of the opening. {401 KAR 59:185 6(1)(c)}

The freeboard ratio shall be maintained such that the freeboard height is equal to or greater than the width of the degreaser. {40 CFR 63.463 (a)(2) and 40 CFR 63.463 (c)(1)(i)}

The device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils shall be in good working order at all times the degreaser is in operation. {40 CFR 63.463 (a)(4)}

The vapor level control device that shuts off sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser shall be in good working order at all times the degreaser is in operation. {40 CFR 63.463 (a)(5) and 401 KAR 59:185 6(1)(f)3}

The primary condenser shall be operated at all times the degreaser is in operation. At startup, the condenser shall be turned on before the sump heater and at shutdown, the condenser shall be turned off after the sump heater is turned off and the solvent layer collapses. {40 CFR 63.463 (a)(6), 40 CFR 63.463 (d)(6) and (7), and 401 KAR 59:185 6(1)(e)}

The freeboard refrigeration device shall be operated at all times the degreaser is in operation. {40 CFR 63.463 (a)(6) and 40 CFR 63.463 (c)(1)(i)}

The condenser flow switch and thermostat, which will shut off the sump heat if coolant is either not circulating or is too warm, shall be in good working order at all times the degreaser is in operation.. {401 KAR 59:185 6(1)(f)1}

When solvent is added or drained from the degreaser, the solvent shall be transferred using threaded or other leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface. {40 CFR 63.463 (d)(8)}

The degreaser, condenser, and freeboard refrigeration device shall be maintained as recommended by their manufacturers. {40 CFR 63.463 (d)(9)}

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)****1. Operating Limitations: (continued)**

Sponges, fabric, wood, and paper products shall not be cleaned in the degreaser. {40 CFR 63.463 (d)(12)}

The chilled air blanket temperature created by the freeboard refrigeration device shall be maintained at or below 56.4EF, at the center of the air blanket. {40 CFR 63.463 (e)(2)(i)}

Each operator of the degreaser shall complete and pass the applicable parts of the test of solvent cleaning operating procedures listed in appendix A to Regulation 40 CFR 63, Subpart T, if requested to do so during an inspection by the Division and/or the USEPA. {40 CFR 63.463 (d)(10)}

A permanent, conspicuous label shall be installed on or near the degreaser summarizing the operating procedures specified below. {401 KAR 59:185 6(1)(g)}

Exhaust ventilation shall not exceed sixty-five (65) cfm per square foot of degreaser opening unless necessary to meet OSHA requirements or control device requirements. Work place fans shall not be used near the degreaser opening. {401 KAR 59:185 6(2)(a)}

Parts shall be racked so that entrainment of solvent is avoided and full drainage is accomplished. {401 KAR 59:185 6(2)(b)1 and 40 CFR 63.463 (d)(4) and (5)}

The automated parts handling system (conveyor) shall be operated at a speed not more than 11 feet per minute, from the initial loading of parts through removal of cleaned parts. {40 CFR 63.463 (a)(3) and 401 KAR 59:185 6(2)(b)2}

Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that would allow pressure relief, but would not allow liquid solvent to drain from the container. No more than twenty (20) percent by weight of the waste solvent can evaporate into the atmosphere. {40 CFR 63.463 (d)(11) and 401 KAR 59:185 6(2)(c)}

Solvent leaks shall be repaired immediately or the degreaser shut down. {401 KAR 59:185 6(2)(d)}

An idling and downtime mode cover that may be readily opened or closed, that completely covers the cleaning machine openings when in place, and is free of cracks, holes, and other defects, shall be used whenever the degreaser is not in use. The cover shall be in place during the idling mode and during the downtime mode unless either the solvent has been removed from the machine or maintenance or monitoring is being performed that requires the cover(s) to not be in place. The covers shall be placed over entrances and exits of the degreaser whenever parts are not in the solvent cleaning machine and immediately after the conveyor and exhaust are shut down. The covers shall be removed just before the conveyor and exhaust are started up. {40 CFR 63.463(a)(1)(i), 40 CFR 63.463(d)(1)(i), 40 CFR 63.463(e)(2)(iv), and 401 KAR 59:185 6(1)(d) and 6(2)(f)}

**2. Emission Limitations:**

None.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)****3. Testing Requirements:**

The air blanket temperature test shall be carried out by using a thermometer or thermocouple to measure the temperature at the center of the air blanket during the idling mode of the degreaser. {40 CFR 63.466(a)(2)}

The hoist speed of the conveyor system shall be determined, when required, by measuring the time it takes for the hoist to travel a measured distance. The speed is equal to the distance in meters divided by the time in minutes (meters per minute). {40 CFR 63.466(c)(1)}

**4. Specific Monitoring Requirements:**

A weekly inspection shall be conducted on the temperature of the air blanket in the degreaser, as per the Testing Requirements subsection listed above, to verify compliance with the temperature limitation listed in the Operating Limitations subsection. {40 CFR 63.466(a)}

A monthly visual inspection shall be carried out on the degreaser covers to determine if the covers are opening or closing properly, if it completely covers the openings when closed, and is free of cracks, holes, and other defects. {40 CFR 63.466(b)(1)}

A monthly test of the hoist speed shall be conducted on the degreaser conveyor as per the procedures listed in the Testing Requirements subsection. If after the first year, no exceedances of the hoist speed are measured, the owner or operator may begin monitoring the hoist speed quarterly. If an exceedance of the hoist speed occurs during quarterly monitoring, the monitoring frequency shall return to monthly until another year of compliance without an exceedance is demonstrated. This monitoring requirement may be waived by the Division at any time that the owner or operator demonstrates to the Division that the hoist speed cannot exceed the limit specified in the Operating Requirements subsection above. {40 CFR 63.466(c)}

**5. Specific Record Keeping Requirements:**

Records shall be maintained, for the lifetime of the machine, of the date of installation and the owner's manuals, or if not available, written maintenance and operating procedures, for the degreaser, primary condenser, and freeboard refrigeration device. {40 CFR 63.467(a)(1) & 40 CFR 63.467(a)(2)}

Records shall be maintained of the halogenated solvent content of each solvent used in the degreaser. MSDS sheets may be used as the record of this information. {40 CFR 63.467(a)(5)}

Records shall be maintained of the results of all weekly air blanket temperature tests conducted for the degreaser. {40 CFR 63.467(b)(1)}

Records shall be maintained of the results of all monthly visual inspections conducted on the degreaser covers. {40 CFR 63.467(b)(1)}

Records shall be maintained of the results of all hoist speed measurements conducted on the conveyor system. {40 CFR 63.467(b)(1)}

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (continued)****5. Specific Record Keeping Requirements: (continued)**

Separate records shall be maintained of any exceedances, as defined in the Operating Requirements subsection, or deviations from permit conditions that occur and the actions that were taken to correct them. This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels. {40 CFR 63.467(b)(2)}

Records shall be maintained of each addition and removal, including time and quantity of each addition or removal, of solvent from the degreaser. In addition, records shall be maintained of the calculated monthly solvent consumptions for each solvent used in the degreaser. {40 CFR 63.467(b)(3) & 40 CFR 63.467(c)}

**6. Specific Reporting Requirements:**

An annual report shall be submitted by February 1 of the year following the one for which the report is being made. This report shall contain the following: {40 CFR 63.468(f)}

- ⊘ A signed statement from the facility owner or his designee stating that, AAll operators of the conveyorised degreaser have received training on the proper operation of solvent cleaning machines and their control devices sufficient to pass the test required in the Operating Requirements subsection; and
- ⊘ An estimate of the solvent consumption for each solvent cleaning machine during the reporting period.

An exceedance report shall be submitted to the Division=s, Florence Regional Office semiannually, or whenever an exceedance occurs. Once an exceedance has occurred, the exceedance report shall be submitted quarterly until a request to reduce reporting frequency is approved by the Division. Exceedance reports shall be delivered or postmarked by the 30th day following the each exceedance, or the end of each calendar half or quarter, as appropriate. The exceedance report shall include the following information: {40 CFR 63.468(h)}

- ⊘ Whether an exceedance occurred, the reason for the exceedance, and a description of actions taken.
- ⊘ Information on the actions taken to determine if an exceedance occurred, to prevent an exceedance from occurring, and to reestablish compliance following an exceedance. This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels.
- ⊘ If no exceedence of a parameter occurred, no piece of equipment has been inoperative, out of control, repaired, or adjusted, such information should be submitted in the report.

## SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4).

### Description Regulation

1. Indirect heat exchanger      401 KAR 59:015: New indirect heat exchangers.  
(Ajax model SGXH-1125-55 with a  
rated capacity of 1mmBTU/hr.)



## **SECTION D - CONTROL EQUIPMENT CONDITIONS**

Pursuant to 401 KAR 50:012, Section 1(1) and 401 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION E - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

**SECTION E - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the division's Florence Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
  - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Florence Regional Office concerning startups, shutdowns, or malfunctions as follows:
    1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
    2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
  - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Florence Regional Office. Prompt reporting shall be defined as follows:
    - ☐ Within 30 days following an exceedance as specifically defined in the permit conditions for Emission Point 1.
    - ☐ Within 48 hours of discovery of any spill or leakage of a halogenated solvent used in the facility.
    - ☐ Within 30 days following any other permit violation, exceedance or upset conditions.

**SECTION E - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Florence Regional Office and the U.S. EPA in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.

Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Florence Regional Office  
7960 Kentucky Drive,  
Suite #8  
Florence, KY 41042

U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

## SECTION F - GENERAL CONDITIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act]) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]

**SECTION F - GENERAL CONDITIONS (CONTINUED)**

6. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
7. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
8. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
9. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
10. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
11. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
12. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 , Permits, Section 7(2)(b)5]
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
14. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
15. All previously issued construction and operating permits are hereby null and void.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including a permit shield, shall remain in effect beyond the expiration date, until a renewal permit is issued/denied by the division. [401 KAR 50:035, Permits, Section 12]

## **SECTION F - GENERAL CONDITIONS (CONTINUED)**

### **(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### **(d) Acid Rain Program Requirements**

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

### **(e) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

(f) Risk Management Provisions

The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:

- a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
- b. Submit additional relevant information if requested by the division or the U.S. EPA.

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.